

§ 88-19 Licensing of permanent places of amusement.

[Amended 12-26-2001 by Ord. No. O-01-184]

A.

Editor's Note: Former Subsection A, which provided for the licensing of theaters, was repealed 11-25-2008 by Ord. No. O-08-45. This ordinance also redesignated former Subsections B through G as Subsections A through E, respectively.

Places of amusement of a permanent character, dance halls, or halls or establishments which regularly provide entertainment as identified in § 88-17A may be licensed, for a period of 12 months from the first day of May of each year, for \$50 for each place, hall or establishment, payable in advance. For purposes of this definition, "place of amusement" shall include any occupied connecting rooms, space, or area on the same level or in the same story, or in a story or stories above or below, where entrance is common to the rooms, space or areas; provided, however, that the license fee for a restaurant holding a valid license under the provisions of Chapter 170, Food-Service Establishments, shall be \$10 for a period of 12 months from the first day of May of each year.

B.

Dances. This subsection shall apply to any establishment or place which permits, or permits to occur, dancing, except the following: a public or private school licensed by the state or the City for the purpose of conducting dancing classes or dance courses of study as its primary, regular and recurrent business activity; dances sponsored by an accredited educational institution, civic or religious organization or group which limits admission to its own members and their guests.

(1)

No public dancing shall be permitted between the hours of 2:00 a.m. and 7:00 a.m. any day of the week.

(2)

No person conducting or operating a teen dance shall permit, either by act or omission, any person under the age of 15 years to enter or remain on the premises without a parent or legal guardian present. No person conducting or operating a teen dance shall permit, either by act or omission, any person over the age of 20 years to enter or remain upon the premises, except a parent or legal guardian accompanying a person under the age of 18 years, and except bona fide employees of the person or entity conducting or operating such teen dance. For the purposes of this section "teen dance" means any dance which permits the entry of persons under the age of 18 years of age other than may be excepted under Subsection B of this § 88-19.

C.

No license shall be granted under this section until the applicant shall obtain and maintain the insurance coverage that the Risk Management Department deems necessary. Factors to consider in determining the required insurance coverage include, but are not limited to, the use of mechanical apparatus, presence of animals, use of rides or other amusement functions, use of vehicles, size and duration of the event, the potential audience, the need for police or other safety services, and the history of the applicant. Termination of any insurance policy or bond shall operate as a revocation of the license.

D.

Police attendance at function. When it is determined by the Chief of Police or his designee to be necessary to preserve order, protect the health, safety, and welfare of the citizens of the City, or to help avoid traffic-related problems, public disturbance, or public nuisance, all establishments and places required to be licensed under this article shall be required to hire an off-duty police officer or officers during those hours the Chief of Police or his designee deems appropriate. The Chief of Police or his designee may suspend this requirement as he deems appropriate, but the requirement may be reinstated at the discretion of the Chief of Police or his designee.

E.

Enforcement. The Chief of Police or his designee(s) shall have the power to issue citations for the violation of any of the provisions of this article and to enter public access areas of a business, free of charge, during hours of public access or operation and at any time a license is required by this article, and to demand the exhibition of the license for the current term by an person engaged or employed in the transaction of such business. If the person fails then and there to exhibit the license, the person shall be punishable as provided for in § 1-12 of the City Code.

F.

It shall be the duty of all officers and agents of any corporation to see that such corporation complies with the provisions of this article. All officers or agents of any corporation required by this article to be licensed which shall do business without having paid the license fee and procured such license shall be punishable as provided for in § 1-12 of the City Code.